

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )              Case No. 11-cr-30124-DWD  
                                )  
HAROLD L. GARDNER, JR., )  
                               )  
Defendant.                 )

ORDER

**DUGAN, District Judge:**

On December 23, 2020, Defendant Harold L. Gardner, Jr. filed his Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1) (Doc. 61). Gardner asks the Court to grant his request for compassionate release and enter an order reducing his sentence to time served due to his medical conditions and the COVID-19 pandemic. *Id.* However, Gardner has not provided any proof that he petitioned the Bureau of Prisons to bring this motion on his behalf, or otherwise exhausted his administrative remedies, prior to filing his motion in this district court as required by 18 U.S.C. § 3582(c)(1)(A).

Before a defendant can file a request for compassionate release, he must first file a request with the prison warden asking the Bureau of Prisons to move for compassionate release on defendant's behalf. Under 18 U.S.C. § 3582(c)(1)(A). If the warden denies defendant's request, the defendant must appeal that denial through the Bureau of Prisons' administrative remedy procedure. *Id.* Alternatively, the defendant may move

for compassionate release by showing that he submitted a request to the prison warden, but that thirty (30) days have passed since the request was submitted without action by the Bureau of Prisons. *Id.*

Accordingly, it is hereby **ORDERED** that Defendant Harold L. Gardner, Jr. shall submit proof by January 28, 2021 that he exhausted his administrative remedies or that more than thirty (30) days have passed since the request was submitted to the warden without action by the Bureau of Prisons. Defendant's failure to timely comply with this order will result in the denial of his motion. The Clerk of Court is **DIRECTED** to send a copy of this Order to Defendant Gardner.

**SO ORDERED.**

Dated: December 28, 2020

/s/ David W. Dugan  
DAVID W. DUGAN  
United States District Judge